

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**Item No. 9  
Doc. No. 5**

**IN THE MATTER OF:**

FLORIDA SOUTHCHASE, L.P.  
MORRO HILLS

NONCOMPLIANCE WITH CALIFORNIA  
WATER CODE § 13376, AND STATE  
BOARD ORDER NO. 99-08-DWQ  
WDID NO. 9 37C320478

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COMPLAINT NO. R9-2005-0108  
FOR  
ADMINISTRATIVE CIVIL LIABILITY

March 17, 2005

**FLORIDA SOUTHCHASE, L.P. IS HEREBY GIVEN NOTICE THAT:**

1. Florida Southchase, L.P. (Florida Southchase) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability under sections 13350 and 13385 of the California Water Code.

**ALLEGATIONS**

2. **Discharge of Sediment to a MS4 and Waters of the United States**

Florida Southchase discharged sediment to a Municipal Separate Storm Sewer System (MS4) and navigable waters of the United States in the San Diego Region in violation of Order No. 99-08-DWQ of the California State Water Resources Control Board (State Board), section A.2. Florida Southchase discharged sediment from the Morro Hills site into Pilgrim Creek or into the City of Oceanside's MS4 on at least four days:

- |                       |                           |
|-----------------------|---------------------------|
| 1. November 16, 2004; | 3. December 31, 2004; and |
| 2. December 28, 2004; | 4. January 12, 2005.      |

3. **Failure to Implement Storm Water Pollution Prevention Plan**

Florida Southchase failed to implement its Storm Water Pollution Prevention Plan (SWPPP) by failing to install and maintain adequate Best Management Practices (BMPs) in violation of Order No. 99-08-DWQ section C.2 on at least 135 days:

- |                         |   |
|-------------------------|---|
| 1. July 19, 2004;       | 3. October 1, 2004 through February 10, |
| 2. August 13, 2004; and | 2005                                    |

**PROPOSED CIVIL LIABILITY**

4. Based on consideration of the factors listed in sections 13327 and 13385 of the California Water Code, civil liability should be imposed on Florida Southchase in the amount of \$242,500 for all violations, as follows:
  - a. \$40,000 for the violations described in paragraph No. 2; and

**Complaint No. R9-2005-0108**  
**Florida Southchase, L.P.**  
**Morro Hills**

**2**

**March 17, 2005**

b. \$202,500 for the violations described in paragraph No. 3.

Dated this 17<sup>th</sup> day of March 2005



John H. Robertus  
Executive Officer



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